

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN JOAN ANDERSEN**, on February 7, 2003 at 3:00 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Joan Andersen, Chairman (R)
Rep. Larry Lehman, Vice Chairman (R)
Rep. Norman Ballantyne (D)
Rep. Norma Bixby (D)
Rep. Gary Branae (D)
Rep. Nancy Fritz (D)
Rep. Carol Gibson (D)
Rep. Verdell Jackson (R)
Rep. Bob Lake (R)
Rep. Bob Lawson (R)
Rep. Joe McKenney (R)
Rep. Clarice Schrumpf (R)
Rep. Pat Wagman (R)

Members Excused: Rep. Kathleen Galvin-Halcro, Vice Chairman (D)

Members Absent: None.

Staff Present: Eddy McClure, Legislative Branch
Mari Prewett, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp in these minutes appears at the end of the content it refers to.

Committee Business Summary:

Hearing & Date Posted: HB 73, 12/20/2002
Executive Action: HB 400, HB 374, HJ 10

CHAIRMAN ANDERSEN advised the Committee that they had in their packet a letter from Darrell Rud, Executive Director, School Administrators of Montana in support of HB 73, attached as Exhibit 1.

EXHIBIT (edh27a01)

HEARING ON HB 73

Sponsor: **REP. HOLLY RASER, HD 70, Missoula**

Opening Statement by Sponsor:

REP. RASER distributed a handout to the Committee attached as Exhibit 2. **REP. RASER** gave an overview of the history of Montana, past to present. She commented on the fact that Montana was never in a position to develop economically due to sparse population. **REP. RASER** refers to Exhibit 2 regarding Sector Employment Change in Montana and Sector Employment Change in the U.S. She pointed out that most of the growth was in service sector employment and indicated what those services sectors were. **REP. RASER** explained how services were connected to education. She continued stating that Montana was well poised to take advantage of the information revolution. **REP. RASER** talked about the high scores Montana students achieve in science and math. She continued that Montana students rank among the top in the nation for college preparation and that Montana graduates are highly recruited by other states.

EXHIBIT (edh27a02)

REP. RASER continued regarding pay scales for teachers and comparing them to other states. She went on to say, it would not fix the problem because it is a bigger problem than the bill can address. **REP. RASER** discussed the fiscal note and its impact on the budget. **REP. RASER** stated that this was the best policy for education in Montana even though there is a financial problem in the State at present.

Proponents' Testimony:

Linda McCulloch, Superintendent of Public Instruction (OPI), spoke in support of HB 73. **Ms. McCulloch** gave the Committee two handouts. One a graph on enrollment the other a graph depicting School General Budgets. The two handouts are attached as Exhibits 3 and 4 respectively. **Ms. McCulloch** explained the graphs to the Committee. **Ms. McCulloch** presented copies of her testimony from which she read, attached as Exhibit 5.

EXHIBIT (edh27a03)

EXHIBIT (edh27a04)

EXHIBIT (edh27a05)

Jack Copps, Executive Director, Montana Quality Education Coalition, stated he was there to support HB 73. He continued by saying that HB 73 was about base budgets and base-level funding. **Mr. Copps** remarked that base budgets and base-level funding were linked to Constitutional expectations. He pointed out that base budgets and base-level funding were created in response to a Supreme Court decision. He went on to say that the base level budget represents two important Constitutional guarantees, equality and adequacy. **Mr. Copps** declared that the budget's required annual adjustments are due to inflationary pressures. **Mr. Copps** continued by saying that HB 73 protects Constitutional guarantees. **Mr. Copps** commented on school districts where base level funding had deteriorated and reduced their options. **Mr. Copps** remarked that HB 73 was an important bill and was timely.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 25.8}

Erik Burke, MEA/MFT, stated he was there to support HB 73 as it was a good proposal and one that deserved attention. **Mr. Burke** commented on the fact that State appropriations have not kept up with the real costs of education. He talked about the effects on local property taxes and the various school budgets that have been reduced due to lack of funding. **Mr. Burke** then pointed out programs and classes that had been dropped from the curriculum to cut costs. **Mr. Burke** referred to SB 90 which would guarantee annual inflationary increases for all schools in the entitlements and indicated how it would help the schools. **Mr. Burke** talked about the increases HB 73 was asking for and the fact that it would not cover the inflationary increases that Montana has failed to provide during the last decade. **Mr. Burke** continued outlining the many areas in which HB 73 could help if it were passed.

Bob Vogel, Montana School Boards Association, stated he was there to support HB 73. He remarked that they felt it was a realistic and modest proposal. **Mr. Vogel** indicated that education in Montana was headed for disaster without the passage of this bill. **Mr. Vogel** explained to the Committee what his job was when he was not lobbying. **Mr. Vogel** distributed a handout to the Committee on Student Achievement in Montana, attached as Exhibit 6. **Mr. Vogel** commented on Exhibit 6. **Mr. Vogel** closed by indicating

that he felt that Montana needed to invest in the future of education now before it falls even farther behind.

EXHIBIT (edh27a06)

Dave Severson, Missoula Education Association, spoke in support of HB 73. **Mr. Severson** provided his written testimony for the record, attached hereto as Exhibit 7.

EXHIBIT (edh27a07)

Steve Meloy, Board of Public Education, stated that his organization endorses HB 73 and the recommendations included therein. **Mr. Meloy** informed the Committee about the makeup of the Board. He explained that the Board was aware of how the schools districts are struggling and urged the Committee to do what they could to mitigate the problem. **Mr. Meloy** urged support of HB 73.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 15.6}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. LEHMAN asked **REP. RASER** if the Montana Rural Education Association supported the increase. **REP. RASER** replied that she was not sure.

REP. BRANAE asked **Mr. Vogel** how realistic his handout was, what would have to happen to reach 100 percent and how Montana compared to other states. **Mr. Vogel** answered that the judgments would be determined by a statewide test to be given in 2004. He continued that the result of the tests would measure how many students were at a proficient levels. **Mr. Vogel** pointed out that the key challenge was how to get those students who are not at 100 percent to that proficient level. He went on to say, that the only way he could see to do it would be to have quality teachers in every classroom.

REP. BRANAE asked **Linda McCulloch** what would happen if the schools were not funded at the level requested. **Ms. McCulloch** referred to Exhibit 4 and talked about the drop in the State's portion of the general fund budget and that she felt it would continue to go down.

REP. BRANAE asked Linda McCulloch if she knew how many school districts across the State had increasing enrollments. **Ms. McCulloch** replied that of the 164 districts, 38 districts were showing increases of more than ten students. She asked the Committee to keep in the mind the way they figure declining enrollment is not that the students are going somewhere else for school it is based on live birth rates. **Ms. McCulloch** pointed out that it was felt the decline would continue through 2013.

REP. JACKSON asked Mr. Vogel if he would explain the Student Achievement Chart to him in more detail. **Mr. Vogel** deferred the question to Madalyn Quinlan.

{Tape: 1; Side: B; Approx. Time Counter: 15.6 - 25.5}

REP. JACKSON asked Madalyn Quinlan about the proficiency figures for each area indicated in Exhibit 6, where they came from and how they were determined. He continued asking how the figures compared to the class averages. **Ms. Quinlan** answered that the National Assessment for Education Progress is the criteria reference test. She continued that student performance would be measured against a benchmark by contrast to a norm reference test, which would compare how one group of students compares to another group of students. **Ms. Quinlan** explained that the graph showed how students performed in relationship to the benchmark.

REP. JACKSON asked Ms. Quinlan if the proficiency score as a benchmark would be the same across the nation or would it be computed by school. **Ms. Quinlan** replied that each state had to determine its own benchmark relative to the State's standards. She explained that it would not vary from school to school, but would vary from state to state.

CHAIRMAN ANDERSEN asked Ms. McCulloch to explain about the federal funding provided by the "No Child Left Behind Program," how it would work and what it might be. **Ms. McCulloch** answered that they do know what some of the funding sources will be. She continued stating that they did know what this year's funding source for assessment would be and approximately what the next year would be. **Ms. McCulloch** explained that they were waiting to see if President Bush's budget was going to be approved by Congress. She pointed out that they were also waiting to find out what some of the requirements were for "No Child Left Behind."

CHAIRMAN ANDERSEN asked Ms. McCulloch what AYP stood for. **Ms. McCulloch** explained that AYP meant Annual Yearly Progress. She continued that AYP was part of the "No Child Left Behind Act."

Ms. McCulloch pointed out that AYP was part of the application they were required to fill out. The application asked for Montana to set a standard whereby the schools would have to increase in their performance until every student graduating from the 12th grade would be performing at the 12th grade level.

REP. MCKENNEY asked Ms. McCulloch if it was not more important to have the proper amount of financial funding to schools no matter where it comes from, state aid or local dollars. He continued by asking why all of the attention on the percentages shown on Exhibit 4. **Ms. McCulloch** stated the thing to note is that Montana folks are paying their state taxes with a smaller portion of those taxes going to education, therefore, they have to pay higher local taxes to make up the difference.

REP. JACKSON asked Madalyn Quinlan how they evaluate the differences between the students and how they would evaluate the inherent differences between the regular students and the special education students. **REP. JACKSON** further asked Ms. Quinlan how they would come up with every child reaching the proficiency level when special education children are performing to capacity. **Ms. Quinlan** stated that she would happy to provide him with information on Adequate Yearly Progress and how proficiency is determined. She explained that some students take the test as is, other students are given a test with accommodations and still others take an alternative assessment test. **Ms. Quinlan** informed the Committee that they knew the scores required for the various groups and commented further on how they would rate and report the testing results.

CHAIRMAN ANDERSEN asked Ms. Quinlan how they determine when the test results come in which students were the ones receiving free and reduced lunches. **Ms. Quinlan** responded that a designated person at the school district codes the answer sheets. She continued that she believed the coding was done after the tests were given. She further stated that school lunch laws and regulations are such that the students on the free and reduced lunches are not identified.

Closing by Sponsor:

REP. RASER stated that there were many things brought up that were relevant to the discussion on this bill which were challenges. She pointed out that "The No Child Left Behind Bill" was one of those challenges. **REP. RASER** went on to say, that she understood the concerns regarding the measuring of Adequate Yearly Progress and how to make sure that all of the kids made the proposed progress. **REP. RASER** talked about the new ways in which children learn how to read and the need for teachers to be

trained in the new process. She further indicated that the federal government was putting some money into schools, but that funding had strings tied to it, and would not be used to just increase salaries or train as needed. **REP. RASER** remarked that she was talking about the future of the State and the future of the children. **REP. RASER** asked the Committee to support HB 73.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 21}

EXECUTIVE ACTION ON HB 400

Motion: **REP. LEHMAN** moved that **HB 400 DO PASS.**

Motion: **REP. BALLANTYNE** moved that **THE AMENDMENTS ON HB 400 DO PASS.**

Discussion:

Eddy McClure, Legislative Services explained the amendments to HB 400 attached as Exhibit 8.

EXHIBIT (edh27a08)

{Tape: 2; Side: A; Approx. Time Counter: 21 - 28.1}

Vote: Motion on amendment carried 14-0 by voice vote.

Motion/Vote: **REP. BALLANTYNE** moved that **HB 400 DO PASS AS AMENDED.** Motion carried 14-0 by voice vote.

EXECUTIVE ACTION ON HB 374

Motion: **REP. GIBSON** moved that **HB 374 DO PASS.**

Motion: **REP. GIBSON** moved that **THE AMENDMENT TO HB 374 DO PASS.**

Discussion:

REP. GIBSON stated that her intention when she presented the bill was to provide an opportunity for a student, who had been moved from his home into a Grandparent's house or Aunt's house, to be able to go to school without having to pay out-of-district tuition. **REP. GIBSON** informed the Committee that she had worked on the bill and had made some amendments, attached hereto as Exhibit 9. **REP. GIBSON** pointed out to the Committee that there was a phrase called, consanguinity by degree, which means what

relative is being talked about. She continued that the phase had been put into the amendments thereby clarifying that the only family members being talked about in the bill were brother, sister, aunt, uncle or grandparent. **REP. GIBSON** commented about other amendments to HB 374.

EXHIBIT (edh27a09)

There was a general discussion of the amendments with questions asked by CHAIRMAN ANDERSEN, REPS. LAKE, BALLANTYNE, WAGMAN, LEHMAN and FRITZ with answers provided by Eddye McClure and Jeff Weldon.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 27.3}

Comments were made by REPS. BIXBY and WAGMAN as to their position on the amendments to HB 374.

Vote: Motion failed 6-8 with REPS. GIBSON, BIXBY, BALLANTYNE, BRANAE, FRITZ and GALVIN-HALCRO voting aye.

Motion/Vote: REP. GIBSON moved that HB 374 BE TABLED. Motion CARRIED 13-1 with REP. BIXBY voting no by voice vote.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 6.2}

EXECUTIVE ACTION ON HJ 10

Motion: REP. LAWSON moved that HJ 10 DO PASS.

Discussion:

REP. LAWSON reminded the Committee that this was a resolution not a bill and reiterated what the resolution proposed to do.

Vote: Motion that HJ 10 DO PASS carried 14-0 by voice vote.

ADJOURNMENT

Adjournment: 5:05 P.M.

REP. JOAN ANDERSEN, Chairman

MARI PREWETT, Secretary

JA/MP

EXHIBIT (edh27aad)